

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

WILLIAM ROBINSON,

Case No. 2:15-cv-00556-JAD-PAL

Plaintiff,

V.

STEPHEN B. WOLFSON, et al.,

(IFP Application – Dkt. #1)

Defendants.

12 This matter is before the Court on Plaintiff William Robinson's Application to Proceed *In
13 Forma Pauperis* (Dkt. #1). Plaintiff is a prisoner proceeding in this action *pro se*. He has
14 requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*, and submitted a
15 Complaint (Dkt. #1). This proceeding was referred to the undersigned pursuant to 28 U.S.C.
16 § 636(a) and Local Rules LR IB 1-3 and 1-9.

17 Local Rule LSR 1-2 and § 1915 specifically require three items be submitted to this
18 Court with a prisoner's application to proceed *in forma pauperis*: (1) a signed financial
19 certificate by an authorized officer of the institution in which he or she is incarcerated,¹ (2) a
20 copy of his or her inmate trust account statement for the six-month period prior to filing,² and (3)

¹ Local Rule LSR 1-2 provides:

An application to proceed *in forma pauperis* received from an incarcerated or institutionalized person shall be accompanied by a certificate from the institution certifying the amount of funds currently held in the applicant's trust account at the institution and the net deposits in the applicant's account for the six (6) months preceding the submission of the application. If the applicant has been at the institution for less than six (6) months, the certificate shall show the account's activity for such period.

² 28 U.S.C. § 1915(a)(2) states:

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), *shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal*, obtained from the appropriate official of each prison at which the prisoner is or was confined.

1 a signed financial affidavit showing an inability to prepay fees and costs or give security for
2 them.³ Here, Plaintiff has submitted the required affidavit along with the financial certificate.
3 However, he did not include a copy of his inmate trust account statement.

4 Accordingly,

5 **IT IS ORDERED:**

- 6 1. Plaintiff's Application to Proceed *In Forma Pauperis* (Dkt. #) is DENIED
7 WITHOUT PREJUDICE.
- 8 2. The Clerk of the Court shall mail Plaintiff a blank application form for incarcerated
9 litigants with instructions.
- 10 3. Plaintiff shall file a new Application to Proceed *in Forma Pauperis*, accompanied by
11 a signed and executed financial certificate, a signed and executed financial affidavit,
12 and a statement of his inmate trust account.
- 13 4. Plaintiff shall have until **July 13, 2015**, in which to file the Application to Proceed *in*
14 *Forma Pauperis*.
- 15 5. Alternatively, Plaintiff shall pay the filing fee of four hundred dollars (\$400.00),
16 accompanied by a copy of this Order, on or before **July 13, 2015**.
- 17 6. Plaintiff's failure to comply with this Order by (a) submitting an Application to
18 Proceed *In Forma Pauperis*, or (b) paying the filing fee, before the deadline will
19 result in a recommendation to the District Judge that this case be dismissed.
- 20 7. The Clerk of Court shall retain Plaintiff's Complaint (Dkt. #1-1).

21 Dated this 15th day of June, 2015.

23 
24 PEGGY A. SEER
25 UNITED STATES MAGISTRATE JUDGE

26 (emphasis added).

27 ³ 28 U.S.C. § 1915(a)(2) states:

28 [A]ny court of the United States may authorize the commencement, prosecution or defense of any
suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or
security therefor, by a person who submits an affidavit that includes a statement of all assets such
prisoner possesses that the person is unable to pay such fees or give security therefor.